

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

6:69cv07941-BB

RIO CHAMA STREAM SYSTEM
Section 3, Rio Nutrias

Subfile Nos. CHNU-001-0001
CHNU-001-0002B
CHNU-002-0004
CHNU-002-0006
CHNU-002-0016

MOTION FOR SUBSTITUTION OF PARTIES

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer and pursuant to Fed. R. Civ. P. 25(a)(1) moves the Court to issue its order substituting Juan R. Montañño Revocable Trust for defendant Juan R. Montañño in these proceedings, and as grounds plaintiff states the following:

1. Juan R. Montañño is deceased. Prior to his death Mr. Montañño transferred his interest in the land and water rights under the subfiles listed above to the Juan R. Montañño Revocable Trust. Ana Padilla, Trustee of the Juan R. Montañño Revocable Trust, has provided the State with copies of the relevant deeds of transfer and changes of ownership forms filed with the Office of the State Engineer and has requested the substitution of parties described herein.

WHEREFORE the State of New Mexico requests the Court to enter its order substituting Juan R. Montañño Revocable Trust for defendant Juan R. Montañño in these proceedings.

Respectfully submitted,

/s/ Ed Newville
EDWARD G. NEWVILLE
Special Assistant Attorney General

Office of State Engineer
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Santa Fe, NM 87504-5102
(505) 867-7444 phone
(505) 867-7444 facsimile

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 25th day of October 2010 I filed the foregoing electronically through the CM/ECF system which caused the parties listed on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail, and served the following non-CM/ECF Participants in the manner indicated:

via first class mail, postage prepaid addressed as follows:

Juan R. Montaña Revocable Trust
Ana Padilla, Trustee
10405 Calle Contento, NW
Albuquerque, NM 87114

/s/ Ed Newville
EDWARD G. NEWVILLE